

# **CITIZEN'S TRANSPORTATION OVERSIGHT COMMITTEE**

## **Arizona Department of Transportation**

### **Draft Minutes January 30, 2007**

A Citizen's Transportation Oversight Committee (CTOC) meeting was held at the Arizona Department of Transportation, 206 South 17<sup>th</sup> Avenue, Room 145-147, Phoenix, Arizona 85007 on January 30, 2007 with Chairman Roc Arnett presiding.

#### **Members Present:**

Roc Arnett, Chairman  
Terry Rainey, Maricopa County District 1  
Nelson Ladd, Maricopa County District 3  
George Davis, Maricopa County District 4  
Jack Lunsford, Member at Large

#### **Members Absent:**

There were no members absent.

#### **Others Present:**

Bill Hayden, ADOT  
Dan Lance, ADOT  
Bob McKnight, Citizen  
Elizabeth Neville, ADOT  
Sandra Quijada, ADOT  
William "Blue" Crowley, Citizen  
Tony Valencia, WSA Security  
Adrienne Riddan, A. G.'s Office  
Joseph B. Ryan, Citizen

Edward J. Johnson, Citizen - Youngtown  
Kwi Kang, ADOT  
Randall Overmyer, City of Surprise, DOT  
Bryan Jungwirth, Valley Metro  
Floyd Roehrich, ADOT  
Perry Powell, ADOT  
Ray Stern, New Times  
Bill Jameson, A. G.'s Office  
Gary Bourne, Sun City Homeowners Assoc.

#### **1. Call to Order:**

Roc Arnett, Chairman, called to order the Citizen's Transportation Oversight Committee meeting at 4:20 p.m. He welcomed the public, public officials, Board Members and staff to the meeting.

#### **2. Review of Open Meeting Law and Office of Attorney General Opinions dated Dec. 4, 2006, and Jan. 22, 2007:**

Bill Jameson Attorney from the A. G.'s Office spoke about the letters from the Attorney General's Office regarding allegations of Open Meeting Law violations and related matters. The first letter he reviewed was dated December 6, 2006. It concerns the 9/26/06 meeting. In the letter, our Open Meeting Law Enforcement Team (OMLET) came to the conclusion that removing Mr. Crowley from the meeting because he would not remove his hat constituted an open meeting law violation. The opinion notes that CTOC does not have the authority or the discretion to tell attendees what they can and cannot wear to certain meetings. Neither do other boards or commissions. They also considered a second allegation that related to notice of the public

meeting requesting an RSVP. They found that these documents were not posted by CTOC; they were posted by Valley Metro so they found no violation in that regard by CTOC. Because there was an Open Meeting Law violation when Mr. Crowley was removed, they have proposed a remedy and would ask CTOC to consider and carry out. The first is that I discuss these concerns with the Board at the next open meeting, which we are doing today. The second is that the Board gives Mr. Crowley an opportunity to talk at the next scheduled meeting without interruption concerning the Long Range Plan that was presented on September 26, 2006. I relate to my conversation with Mr. Crowley, several minutes ago. He asked when he was going to be given a chance to speak. I told him he would be given a chance to speak during the "Call to the Public" like everybody else. He has chosen to leave the meeting. My suggestion is that you go ahead and list it as an agenda item for the next regular CTOC meeting and give him an opportunity to speak as suggested. They further suggested the Board's attorney (myself) be present at the next regular CTOC meeting, so that the issue has been complied with. The AG's Office also suggested the Board receive some training in regard to the Open Meeting Law and our office can provide that. That can be scheduled as a separate training session provided no business items be discussed. I have been asked to confirm that and that I discuss these matters with the Board which I will do and I also have been asked to confirm that the Board intends to comply with these suggestions.

Chairman Arnett: I called Elizabeth Hill, AG's Office, when I received her letter and I indicated to her that I as Chair would comply in every respect to the recommendations of the AG's Office. We would like to comply with the law and if I owe anyone an apology, I would be happy to make that apology personally and if it caused the AG's Office any issue, I am personally sorry for, that was not, of course the intent. I'm sure the Board members agree. I would certainly agree with the AG's recommendation that we give Mr. Crowley an opportunity and reasonable amount of time to speak and make his comments on the presentation of the September 26, 2007 meeting.

The Board members concurred.

Chairman Arnett: As to the training, we would be happy to set up a separate time for that. However, personally, and I indicated this to Ms. Hill, I didn't think Open Meeting Law training was necessary. I understand the Open Meeting Law as well as anyone. We should have an open door. I would like to have that door open if possible so that we comply with the Open Meeting Law. I understand as well as anyone but I don't think training is necessary. I as a member, I have been on committees for twenty years and very familiar with the Open Meeting Law. I think there is a discrepancy in interpretation of what happened several months ago but I think that is cleared up now so I don't think that's necessary to run us through that. We have the books on the subject by the way. That is my feeling.

Chairman Arnett: Does that take care of the issues Mr. Jameson?

Mr. Jameson: Let me back up, I just want to make sure. Even though there are some contrary opinions on necessity, the Board is going to go ahead and attend the training session.

Chairman Arnett: Absolutely.

Mr. Jameson: Thank you, I appreciate it. I would also like to go ahead and discuss the letter from (OMLET) dated January 22, 2007. This letter concerns the November 28, 2006, meeting and it indicates that according to an allegation that CTOC met without a quorum being present. CTOC is a seven member Board and on that particular date, only three members were present. OMLET has concluded that in fact the Board did meet without a quorum. As a result, any legal action taken would need to be ratified if the Board wishes it to stand. It would need to be ratified within thirty days of the date of this letter. I see this is on the agenda today for the Board to consider for approval. Those items would include the minutes, the agreed on procedures report that was accepted, the FY06-07 Budget for CTOC and the 2007 meeting schedule.

Chairman Arnett: I have a question about the definition of a quorum. I know what the definition of a quorum is but if members have not been appointed for all Districts, for any district that doesn't have a member, does that non member still have to be present. Say you have a District that doesn't have a Member, are those included in the counting of the quorum?

Mr. Jameson: Yes, under the statute, two Members of said forth, plus the Members that will be appointed from each of the Districts. If there are five Districts, that would be a total of seven Members. Whether or not somebody is appointed for the District or not doesn't change the fact that the statute, they are set forth as official Members of the Board. So there are seven slots. The Board consists of seven potential Members. I can see where there would be some confusion in that regard. So it is something that needed to be cleared up.

Chairman Arnett: Has the law been tested in the courts? We only have five Members appointed; I don't know how the law can require us to count seven.

Mr. Jameson: The statute itself sets forth who the Members will be.

Chairman Arnett: If only five are appointed, would not a quorum be the majority of the five members appointed rather than the entire Board?

Mr. Jameson: Not according to the OMLET. The Board consists of seven Members because of the way the statute is worded.

Chairman Arnett: Only we do not have seven Members appointed. Two more would need to be. We're not going to argue that point.

Mr. Jameson: I appreciate that and actually two more Members don't need to be, so long as four or five Members show up.

Chairman Arnett: We will take that on advisement and we will go back and re-approve the minutes of September 26, 2006 meeting.

### **3. Ratification of prior CTOC Administrative Action:**

Chairman Arnett: In that regard, I would like to point out that it is my understanding that the September 26, 2006, meeting had no illegal action before Mr. Crowley left the premises. So the meeting itself would not be null and void. The approval of the May 2006 meeting minutes stands. In regard to (OMLET's) letter of December 4, 2006, it was after Mr. Crowley was removed from the meeting.

Mr. Jameson: Right, the letter from OMLET does not indicate ratification of any Board action from the September meeting. It is not necessary because the meeting was appropriate up until the point when Mr. Crowley was ejected and no legal action was taken after that point. So there isn't anything to ratify.

Mr. Jameson: Due to the fact that CTOC did not have a quorum at the November 2006 meeting the actions taken by the Board does need to be ratified - approved again. The four agenda items from the November meeting are: (1) the CTOC meeting minutes from the September 2006 meeting, (2) the CTOC FY06-07 Budget; (3) the CTOC meeting schedule for 2007 and (4) the Financial Compliance Report.

Chairman Arnett: Called for a motion to approve the minutes:

Board Action: Nelson Ladd, Board Member moved to approve the minutes of the September 26, 2006, meeting and the motion was seconded by George Davis, Board Member and carried unanimously.

Mr. Hayden, ADOT: Mr. Chairman and Board Members, if you recall, at that meeting, after a presentation by Mr. Hunter of Deloitte & Touche, regarding this procedural review, a citizen questioned whether or not the report constituted an audit action as opposed to a review of procedures report. We attempted to clarify that those were two separate functions. We had just completed the five year performance audit for the Regional Freeway System which is the end of the twenty year program from Proposition 300 and the new procedure was just a review of the procedures in it but not a complete audit of the report. There was semantic understanding of the difference between audit and procedural review. This individual questioned whether or not the committee should be approving this function as an audit. Unfortunately, the presenter that evening used the term audit several times. So it was to clarify that issue. It was agreed by the Board it was a report.

Chairman Arnett called for a motion to approve the Financial Compliance Report.

Board Action: Nelson Ladd moved to approve the Independent Accountant's Report on agreed upon procedures and the motion was seconded by Terry Rainey, Board Member and carried unanimously.

Chairman Arnett: Called for a motion to approve CTOC's FY06-07 Budget.

Board Action: Nelson Ladd moved to approve CTOC's Budget for FY06-07 and the motion was seconded by Terry Rainey and carried unanimously.

Chairman Arnett: Called for a motion to approve CTOC's Meeting Schedule for 2007.

Board Action: Nelson Ladd moved to approve CTOC's 2007 Meeting Schedule and the motion was seconded by George Davis and carried unanimously.

Chairman Arnett: Regarding our not having a quorum for the November 28, 2006 meeting let me address that. I had surgery. I was home. I offered to participate by phone and we felt that there were three present and so therefore, they moved forward. I had my knee replaced and doing well thank you. But I wasn't on the 28<sup>th</sup>. I said that I could make myself available if necessary. We made a decision to move on.

Chairman Arnett: For today's meeting January 30, 2007 I would like to call for a motion to approve the minutes from the November 28, 2006 meeting.

Board Action: Nelson Ladd moved to approve the November 28, 2006, minutes and the motion was seconded by George Davis and carried unanimously.

Chairman Arnett: Mr. Jameson, I'm still confused why if there are two Districts in which Members have not been appointed, why those Districts must be included when considering a quorum.

Mr. Jameson: CTOC is set up in ARS § 28-6356 and the membership of CTOC is set forth in the statute. It indicates that CTOC consists of Members... and it specifically lists each Supervisory District in the Maricopa County. If there are five Supervisory Districts in the County, the statute sets forth five membership positions on CTOC plus the other two that were listed in statute, making it a seven Member Board.

Chairman Arnett: Is there a difference from a member as opposed to a membership position? It does not make sense to me.

Mr. Jameson: The legislature wanted your organization, CTOC to represent the people of this area of Arizona and if the people of this area find problems in the planning, they would have a voice, i.e. their representative to your committee.

Joe Ryan, Citizen: I didn't think CTOC is being represented properly missing two Board Members from two of our Districts.

Chairman Arnett: I happen to have the same question. That's why I asked earlier if this interpretation has been tested and at this point I don't think it makes any difference.

Mr. Jameson: It's incumbent on the Maricopa County Board of Supervisors of the affected Districts to make sure that they are represented on this Board. It really is the Supervisor's responsibilities in any of the five Districts to make sure that someone is appointed to represent them in this Board. I feel that's where the responsibility is.

Mr. McKnight, Citizen stated his understanding is that one of the Supervisors did nominate somebody to the Board and for some reason, that person has never been seated and I don't know the details. I just want to find out what happened there.

Bill Hayden: He was not approved by the Board of Supervisors. Therefore, he was not appointed.

#### **4. Staff Report:**

Bill Hayden, ADOT, thanked Mr. Jameson for his expertise and assistance.

Bill Hayden then gave the staff report on the Regional Freeway status stating ADOT is finalizing its 2008-2012 Five Year Highway Construction Program which includes the MAG regions, prior to presentations to the public in the next few months for their review and comment. We anticipate the Transportation Board approving the draft of the Five Year Construction Program at its February 16th meeting. That is an important prerequisite because at the March 9th Joint Public Hearing with MAG, ADOT, CTOC, State Transportation Board, Valley Metro and Phoenix Transit. The program will be presented dealing specifically with the MAG region. This is an opportunity for the CTOC members to participate and discuss the program. That is March 9th at the MAG office at 12:00 p.m. The Transportation Board, following that Joint Public Meeting will then hold its annual meetings, one will be in Phoenix, the second will be in Tucson and the third will be in Flagstaff. Proposed funding for the MAG Regional Transportation Plan for that Five Year Transportation Program only for the MAG region has been programmed at \$3.6 billion.

Highlights of major construction projects begin with I-10 in the west valley with a project from Sarival Road to Dysart, there is going to be a median widening, addition of a general purpose lane with construction to begin this summer. Second, from Dysart to Loop 101, adding a general purpose lane to begin in FY08 and lastly an interchange planned for a TI and construction will begin late this spring. Other major projects around the valley include I-17, the construction of the Dixileta and Jomax Road Traffic Interchanges scheduled to begin in spring. Second, the Carefree Highway Traffic Interchange re-construction to begin early summer. Continuing with I-17, construction will begin at Loop 101 and precede northerly to Carefree Highway, adding a general purpose lane and HOV lane beginning near the end of 2007 and a 9.4 mile project. Moving to Loop 303, construction of an interim freeway from I-17 at Lone Mountain Road to Happy Valley Road, to begin in FY08, 14 miles in length and follow the construction of the Interchange at I-17. On the Pima Freeway side of the Loop 101, from Princess Drive south to the Red Mountain Traffic Interchange, begin construction of HOV lanes beginning in summer. SR 51 begins construction in early summer of HOV lanes from Shea Boulevard north to the Loop 101 including HOV connecting ramps to the Pima Freeway. This is a 7.2 mile project. A graphic was shared of those projects under construction in the valley. A second graphic are projects proposed, as mentioned above. A brief summary on the South Mountain Freeway, the draft Environmental Impact Statement (EIS) has been submitted to the Federal Highway Administration for review and approval prior to distribution to all the agencies that have authority to review that document and the public for their input. The EIS is for the westerly segment of the South Mountain Freeway, beginning at I-10 and 55<sup>th</sup> Avenue proceeding southerly to a connection at 51<sup>st</sup> Avenue near Laveen. This does not include the section around South Mountain Park and proceeding east to a connection of I-10.

## **5. Report on STAN Funding:**

Bill Hayden, reported that STAN is Statewide Transportation Acceleration Needs funding. This past legislative year, House Bill 2865, presented the STAN account to the legislature for approval. They provided \$307 million for construction of various projects in and around the state of Arizona and included freeways, highways, bridges, interchanges, etc. Of that distribution of \$307 million, 60 percent or \$184.2 was designated for Maricopa County, 16 percent or \$49.1 million to Pima County and the other thirteen counties received the balance, 24 percent or \$73.7 million. In each of those cases, those projects identified had to be included in the Regional Transportation Plan, or in Pima, the Pima Association of Governments Transportation Plan and the remaining counties had their own highway planning document that needed concurrence. An important aspect of deciding which projects should be eligible and included in the STAN recommendation included: in Maricopa County, they had to be included in the Regional Transportation Plan and have to be project ready, i.e. environmental documentation, design work or sufficient other engineering studies underway to define what the project would be. ADOT previously identified projects that have been through sufficient scoping and environmental review so that funding could be obligated within approximately the next 24 months. For construction projects, the final design process had to be underway or could be started immediately. For right-of-way projects, project readiness meant that corridors have already been identified in sufficient certainty to allow acquisition of right-of-way to occur in the same time frame. A handout was shared identifying the five construction projects and one right-of-way project. On I-17, a project from SR 74, Carefree Highway north to Anthem Way, \$33.1 million was designated. It had been scheduled for 2024. It was advanced in this process to 2009. The second project, in the west valley, on I-10 from Verrado Way to Sarival Road to construct general purpose lanes and a continuation of other improvements on the interstate. From Loop 101, proceed westerly to the Loop 303 Interchange and it will be consistent with the construction proceeding to the east. \$46.9 million was designated for these 5.7 miles in lanes and it had been scheduled for 2023 and advanced to 2009. In the east valley, an HOV project from Princess Drive to the Red Mountain Freeway Traffic Interchange, adding HOV lanes from Tatum Boulevard to Princess Drive; allowing in concert with the construction of the HOV lanes on SR 51, a continuous HOV lane connection north connecting to the Loop 101, proceeding east to the Red Mountain Freeway. The second project approved was the Loop 101 Price Freeway between Baseline Road and Santan Freeway, another \$38.5 million. Both were advanced to 2008. Several other projects in the west valley, the Loop 303, Bell Road, a design construction of a partial traffic interchange for \$12 million. Second, south of that area, on Loop 303, Cactus Road and Waddell Road design and construct crossroad improvements for \$10 million. Lastly, advanced right-of-way acquisition on the Williams Gateway project from Santan Freeway, east to Ellsworth Road at \$20.3 million, advanced to 2007. Regarding the approval process, the Transportation Policy Committee recommendation and approval was held on November 15, 2006. The MAG Regional Council, on December 13, 2006, approved the plan. On December 15, 2006, the State Transportation Board concurred and supported the advancement of these projects. MAG and ADOT staff reported to the state legislature, the Senate and House Transportation Committee meetings, their recommendations and there was concurrence and support. The STAN function has been successful in advancing projects, not only in Maricopa County but elsewhere around the State. There are several legislators who said they were satisfied with the first STAN go around and are willing to initiate additional STAN funding. Some east valley legislators are proposing another \$200 million this fiscal year. Another proposal will take \$450 million from the Rainy Day Fund and apply it to the STAN fund. Thirdly, the Governor has her proposal that we extend our 20 year bonding time period to ten more years. If that were approved, we anticipate that will add \$400-\$450 million additional dollars that could be used for STAN. It is unsure which will be approved to move forward.

Terry Rainey: Do you anticipate the State Legislature within this current session, completing all the discussion and approval necessary or might it be postponed until the next session.

Chairman Arnett: Referred to copies of two Executive Orders which the Board Members received this afternoon. One is the promotion of Smarter Growth, an Executive Order that says to the thirteen State

agencies listed, as members of the Governor's Cabinet, put together a Smart Road Program that within 120 days an implementation plan be put together that will institute Smart Growth. ADOT is one of the State agencies listed. The second Executive Order is Expanding Arizona's Transportation Options. Item one in the Executive Order states that ADOT is directed to provide within 90 days of the date of the Executive Order, a detailed list of options for mass transit, commuter rail and/or light rail to serve and connect as efficiently as possible those Arizona communities for which such options would be cost-effective. The report should include preliminary estimates of the cost of each option; an assessment of whether and how the private sector could be encouraged to offer or assist with each option, and to the extent public money is required, recommendations regarding how to finance each option. There is a coalition of business people, Chambers of Commerce and other business coalitions throughout the State putting together a coalition called T.I.M.E. "Transportation and Infrastructure Moving AZ's Economy". The principles are: The coalition is made up of organizations and individuals throughout the State that can support this kind of project, the Coalition believes that a quality transportation system drives commerce and is essential for the economic future of our State and the Coalition believes that future transportation planning must accomplish the following goals: include new corridors that promote connectivity, expand capacity to reduce congestion, explore privatization opportunities that may lower costs, consider opportunities to increase our ability to transport goods and services and build a better quality of life. One of the principles also includes transit and high capacity transit. The goals for the statewide coalition include: secure \$500 million in additional short term funding to pay for statewide transportation needs, second stage of STAN; establish a process and timeline involving the legislature, executive leadership, ADOT, Councils of Governments, and Metropolitan Planning Organizations to be approved by the Legislature to develop a statewide transportation improvement plan by May 31, 2007; return a statewide transportation plan to the legislature by December 31, 2007, for approval and establishment of accountability and funding mechanisms and; place the comprehensive statewide transportation plan on the ballot for General Election 2008.

Jack Lunsford, Member at Large expressed appreciation for the explanation of what is evolving. I find it interesting that when we read the newspaper, there is speculation that nothing is going to happen this year. Some of us believe as this represents that the effort to address the transportation needs is a matter of commerce. Many other things will be addressed if we address the commerce issue, such as air quality. Clearly, the public will likely respond better to moving people, goods and services and reducing the time tax better than if government just proposed another program. It's important that this be a business effort and that it's done in collaboration and partnership with all of the other stakeholders within government. I ask relative to your illustration of the Governor's two Executive Orders, I had an occasion in another meeting to attend a briefing by Jim Dickey about the second Executive Order and it may be appropriate given that report is due within 90 days that Jim may want to be on our agenda next time.

Bill Hayden: We have requested that Mr. Dickey, ADOT's Transit Director, to come to the May meeting. By then his report and study will be finalized and presented to the Legislature. He will provide an update on his statewide transit plan as well as the potential commuter rail improvement between Phoenix and Tucson.

Jack Lunsford: CTOC Members being in a reactive mode; do we have a chance before the final report, to have some discussion?

Chairman Arnett: If his report is not finished, 90 days from the January letter date, he should be getting pretty close to finishing. I am going to ask the ADOT chair and the MAG chair that we make this part of the March 9th Joint Public Hearing.

Nelson Ladd: The chair and Mr. Hayden mentioned that one of the Coalition's \$50 billion by the year 2025. Where did they get that number and how does that relate?

In reply: MAG and the other councils of governments throughout the State met and preliminarily identified a short fall, a total need number of \$50 billion. Some of that will be financed; some will come from 1/2 cent sales tax with Proposition 400. There is another issue, the federal transportation tax, the federal taxing

mechanism from which we receive \$400 or \$500 million a year to the State may go away after 2009. The number has been identified as a shortfall, if you start looking into Maricopa County there are some areas that have not been fully addressed. A few examples include southeast Maricopa County; the Queen Creek area received zero funds as part of Proposition 400. Buckeye and the other side of the White Tanks and maybe those Westside properties didn't receive any money in the funding scheme of Proposition 400. To the south, Maricopa and to Pinal County, they weren't in the funding process but there is a great need in the Yavapai area where traffic is going. In addition to those areas, there are other areas throughout the State, i.e. 260, 93, 95... of those key areas that need to have transportation funding. They have been preliminarily identified specifically.

Mr. Ladd: I understand some of that but what's the taxing base parallel to that? Are we going to ask for future tax increase ten or fifteen years from now or does the estimated tax run parallel to the project figures?

Chairman Arnett: That is in the process of being determined. You are right, the tax either needs to be increased or the revenue streams enhanced or all of the above, perhaps privatization and the list will probably be long to fill the estimated short fall.

Mr. Lunsford: The Vision 21 Study identified a cost of about \$20 million statewide shortfall then. That was in 2000 and before the developments had been approved that the chair identified and before the coordination or organizations to look at statewide planning. We are at a point now where all the potential revenue streams and partnerships need to be on the table. If we don't do this now, when? We have a couple other exercises where we didn't have enough money. At that point, something doesn't get built.

## **6. Call to the Public:**

Mr. Bob McKnight, Citizen: presented a memorandum and ask that it be entered into the minutes.

Members of CTOC and Chairman; Subject: 20<sup>th</sup> St. and Washington intersections (Metro Rail design and construction); Points of Concern: Location and design of Bus Stop and surrounding area (particularly the lack of a bus pullout).

1. CLOSURE OF 20<sup>th</sup> St. (Metro rail?) The plans show that West bound Washington as it approaches the passage under the I-10 Freeway is three lanes wide. As it goes under the freeway, it picks up two more lanes. Continuing West, it picks up all the 20<sup>th</sup> St. traffic (20<sup>th</sup> St. does not cross Washington.) On the West side of 20<sup>th</sup> St. the roadway at Washington narrows to three lanes. Immediately west of 20<sup>th</sup> St. is a Bus Stop. The three lanes narrow to a total distance of 33 feet. (They were four lanes with a total width of 43 feet on the East side of 20<sup>th</sup> St.) THERE NEEDS TO BE A BUS PULLOUT AT THE BUS STOP. When I questioned Valley Metro Rail, I was given several reasons. Among them was that it would interfere with the Aquifer Water Treatment Plant on the North West corner, that they would have to purchase right-of-way. The plans show that they have already purchased right-of-way to a line approx 10 feet north of the Bus Stop as shown on the plans. Those 10 feet should be adequate for a Bus Pullout. Also, one of the items that the voters voted for was for additional Bus Pullouts. IT WOULD APPEAR TO ME THAT ALL BUS STOPS ALONG THE ROUTE OF THE METRO RAIL WOULD BE INSPECTED TO DETERMINE IF IT WERE POSSIBLE TO PUT A BUS PULLOUT. Random checking of the prints for the Metro Rail indicates that a large portion of the Street surface and curbs, gutters and some sidewalks are to be replaced. THIS PROJECT IS NOT MERELY REPLACING THE CENTER OF THE STREET WITH TROLLEY TRACKS. IT IS ABOUT REPLACING THE ENTIRE STREET.

2. BLOCKING 20th ST AT WASHINGTON. South of Washington on 20<sup>th</sup> St. is a large parking lot serving the Honeywell Office Building. It appears that the only access to the parking lot is by 20<sup>th</sup> St. There is no access to the East, that is the Freeway, it appears there is access to the south, Sky Harbor Blvd, that is the building, it also appears to have no access from the West. The railroad tracks block it from the North except 20<sup>th</sup> St. it appears that when you approach from the North or the East that the first place to cross the track



will be 18<sup>th</sup> St. (17<sup>th</sup>, 19<sup>th</sup>, and 20<sup>th</sup> St. are closed at Washington.) Traffic from the East and North will have to get on Jefferson at 18<sup>th</sup> St. There will be traffic lights at 18<sup>th</sup> St. and Washington and Jefferson to accommodate this U Turn. Also it might be noted that there is no cross walk at the 20<sup>th</sup> St. Bus Stop (the Trolley stops are at 12<sup>th</sup> St. and 24<sup>th</sup> St.)

Mr. McKnight then asked if Dianne Barker's issue regarding the audit had been resolved.

Mr. Hayden: It was concluded; we accepted it as a report, not an audit.

Mr. Joseph Ryan, Citizen: Read his comments and asked it be entered into the minutes.

Before the CITIZENS' TRANSPORTATION OVERSIGHT COMMITTEE; At the ADOT Headquarters in Phoenix, Arizona, 4:00 p.m. on Tuesday.

A. I am Joseph B. Ryan, a citizen of Maricopa County and I will address several very critical transportation problems, a number of them that use federal funds. Therefore, my presentation is governed by the federal rules that require adequate and reasonable time for the public to comment on the transportation expenditures. Mr. Chairman, neither an association nor a committee has the authority to modify federal regulations.

B. In the 1970s, a Governor of Arizona designated the Maricopa Association of Governments (MAG) as the transportation planner for the area that represents roughly half of Arizona's economy. The only major international airport serving the State is Sky Harbor International Airport, owned by the City of Phoenix. Only spur railroad lines, with speed limits and the BNSF line, for southeast-bound freight trains, has a weight limit. That leaves I-10 and I-17 as the key routes for truck traffic and those two highways have badly under-built intersections that cause major inbound and outbound (from the intersections) traffic congestion. Already, this area suffers from peak-hour traffic congestion and hazardous air. The area has the highest rate of population growth in the nation. The rate of growth of vehicle miles driven in the area is higher than that of the population growth. If planning is not improved, living here will become miserable.

C. In my opinion, transportation planning for this area has been wretched. As long as Arizona's transportation is almost wholly dependent upon hydrocarbon fuels, the cost of living and the cost of doing business in Arizona is tied to the cost of those fuels. Furthermore, the topography of Arizona makes air pollution from highway transportation a very serious factor in the future desirability to live in the metropolitan Phoenix area. It is a travesty that when a citizen (e.g., the late John Shaw) suggests a way (i.e., his RapiTran System) to mitigate those problems before one of the two MAG groups or before the CTOC, there usually are four results:

1. No member of MAG or CTOC asks the citizen a question.
2. The suggestion is not discussed at a MAG or CTOC meeting.
3. The citizen is told to stop speaking after three minutes.

The suggestion is not put on a future agenda of MAG or CTOC. It appears that the federal requirement for citizens to be able to express their thoughts on sometimes complicated projects, during open meetings where the expenditures of federal funds are considered and controlled, is intentionally violated by the members of MAG and CTOC. The usual unanimous votes taken during the very brief meetings, brief for the nature of the decision-making not even 12 times a year, indicates there is something rotten in the planning system. The Arizona Legislature created the CTOC expressly to give the citizens an additional voice in transportation planning. The time when the CTOC meetings usually have been held, one hour during the lunch hour (instead of after dinner at night) makes it very difficult for a working citizen to attend the Citizen's Transportation Oversight Committee meeting. To allow the few citizens who turn up at the CTOC meetings only 3 minutes each and a grand total of 15 minutes to comment on billion-dollar projects is ridiculous and contrary to the intent of both the federal law and the state law.

D. In the current 20-year transportation plan, there is no much-needed plan for many infrastructures and services. Here are just a few of the needs:

1. Convenient, high-speed, low-cost transportation services directly linking many Arizona cities with Sky Harbor International Airport and its worldwide airline services.
2. A system that will pull vehicular traffic out of the already-congested interchanges, some congested immediately after they were completed.

3. A common light-weight passenger-cargo vehicle that would reduce the cost of transportation instead of having special heavy "rapid transit" busses, heavy light rail passenger vehicles, and heavy commuter rail passenger vehicles, none of which is capable of carrying cargo (as are convertible aircraft like the Boeing 707-320C aircraft).

4. A low-cost system that would reduce accidents, deaths and injuries caused by traffic congestion and rail operations over streets and highways at grade-level crossing by putting out of business the planned high-cost-per-revenue-passenger-mile rail services

5. Reducing I-10 congestion, making South Mountain Freeway join I-10 at Loop 101.

6. An adequate interchange of Loop 303 and US Route 60 for obvious future traffic. Those are just a few of the many major infrastructure and equipment problems that exist, resulting from the wretched planning that has been done by the area's designated transportation planner, the MAG.

E. I ask the chairman of CTOC to place the subjects, listed below, on not only the next CTOC meeting agenda but also the agendas of the next 2 separate meetings of the MAG mayors and business managers in which the CTOC Chairman is a participant.

1. The current MCDOT/ADOT plan to under-build the interchange of Loop 303 and US Route 60 in Surprise;

2. The current ADOT plan to link the South Mountain Freeway with I-10 at 55<sup>th</sup> Avenue instead of at Loop 101. The current plan will add to I-10 a large volume of traffic that will flow over both the SMF and L-101 – traffic that the current plan has zig zagging on I-10 between Loop 101 and 55<sup>th</sup> Avenue.

3. To address the problems of Items E. 1 through E. 4, above, with the proposal of the late engineer John Shaw to request manufacturers to create high-speed, wide-bodies, low-cost transportation system. His system, using the cargo version of the light-weight vehicle, would eventually connect Arizona distribution centers with piers at Long Beach, San Diego and possible a Mexican port, as well as with Sky Harbor's cargo terminals.

4. To address the proposal of Joseph B. Ryan for the state and local governments concerned to make possible the creation of one or more Share Companies to own and operate the system, noted in Item B. 2, and to purchase from the affected governments the air rights and under-ground rights, as well as the usual rights of way for the RapiTran infrastructures.

I request the CTOC take some action on all of the subjects, listed above, and the CTOC Chairman place the same items on the agendas of the MAG Mayors' ("the Regional Council") and MAG Business Managers' meetings. Respectfully submitted, Joseph B. Ryan; Are there any questions?

Chairman Arnett: Mr. Ryan, we are not going to entertain questions. I want to make certain that you've given us all of the information you want to give us this evening.

Mr. Ryan, yes.

Chairman Arnett: Thank you very much. We will make certain that your information is made a part of this record. I also want to make you absolutely aware that you spoke well over three minutes. I will see that your comments are given to the chairs of both the TPC and MAG for review. However I do not control their agenda.

## **7. Next Scheduled CTOC Meeting:**

Friday, March 9, 2007

MAG Open House, 11:00 a.m.-12:00 p.m.

MAG Joint Public Hearing, 12:00 p.m.-1:00 p.m.

MAG Office: 302 N. 1<sup>st</sup> Avenue

Phoenix, Arizona

## **8. CTOC Board Member Reports:**

George Davis, Maricopa County District 4, read the following report and asked it be placed into the minutes. Mr. Chairman and fellow CTOC (Citizens Transportation Oversight Committee) members.

When Mr. Bill Hayden graciously agreed to meet me prior to my accepting the appointment to CTOC from District #4, he made one point very clear. CTOC was an advisory and not a regulatory Committee. With that as a background, I ask the Chair and members of CTOC, two questions.

1. Should we as a Committee make advisory recommendations to the State Legislature, ADOT, McDOT and other agencies concerning roads and other transportation issues? If we decide not to advise other bodies of our transportation concerns then no further action is necessary.

2. If we decide that this Committee should make recommendations then the decision would be – What recommendations.

A recommendation that might be considered is "Should we as a Committee make a recommendation that the States "Rainy Day Fund" be used in part for critical road constructions. There is I believe \$680,000,000 dollars in the fund. A recommendation from this Committee might be helpful in guiding the Legislature in a decision.

This would be one subject that this Committee might consider among many. It is not appropriate to reach a decision on this question this afternoon, but should be considered in future CTOC meetings. Thank you Mr. Chairman and fellow CTOC members for considering this proposal.

Chairman Arnett: We have addressed in part, the transportation meetings and STAN's too if you will, so we are talking about funds coming from the Rainy Day Fund. There might be a difference in opinion; however, this doesn't negate the need for the funds to be made available. If you would like, I think that is appropriate, I think that maybe we have a separate meeting before our March 9 meeting where we vote on the appropriateness of the Coalition process.

George Davis: I would think that there is something that we, as CTOC people can do with what we are hearing from the public, our input, what we have from Mr. Hayden, we could make some recommendations, I don't know what channels we would use, but it would certainly be appropriate that we have expressed thoughts.

Jack Lunsford: During my tenure on CTOC, we have endorsed a couple of items and asked that staff send letters to the legislature and so on. I would be open to having, as you suggest Mr. Chair, a discussion of STAN funding of some sort among this group. But I would echo that there is probably a significant difference of opinion on that issue of where the funding source might be. I don't think it's outside of our purview because we are advisory. But I think we should have a dialogue and in that dialogue a full understanding, a broader understanding of the issue of the funding sources and then we can make a decision.

Chairman Arnett: CTOC has not had MAG's presentation that Bob Hazlett makes. He made a presentation on one planning study, the Hassayampa Study. He has a bigger one, statewide. I would like to speak to George's question. Perhaps we could have, would the body be willing to meet at the conclusion of the 9<sup>th</sup> meeting for an hour and have both Mr. Hazlett for the expanded meeting by Eric Anderson explaining the \$50 billion shortfall and then someone from the Coalition talk about the principles and how that is moving forward in the legislation. Then perhaps discuss what action we want to take.

George Davis: My idea of this presentation was for us at CTOC, that wasn't an issue I was particularly propagating. But I still feel that we have a place in making recommendation and advisory thoughts from this group, the various committees and so on where we can be effective and our voice can be heard. Basically, although I do agree, we have made some recommendations, I think on the whole, we are not perhaps working as an advisory committee quite to the extent that we might.

Chairman Arnett: Will the staff arrange for these presentations?

Bill Hayden: Yes.

**9. Closing Comments and Adjournment:**

No additional comments were made.

The meeting adjourned at 5:45 p.m.